

## Newstead Town Board Meeting- February 13, 2017

A regular meeting was called to order by the Newstead Town Board on Monday, February 13, 2017 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Edmund Burke- Councilman  
Mike Bassanello- Highway Supt  
Nathan Neill- Town Attorney  
Scott Rybarczyk- Wendel/Town Engineer  
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present.

Councilman Dugan led the pledge to the flag.

Minutes from the previous regular meeting held on January 23, 2017 and the special meeting held on February 6, 2017, were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve as presented. Carried

**Agenda Changes** – a motion was made by Councilman Jendrowski seconded by Councilman Dugan to make the following agenda changes: remove resolutions E & F and add a resolution for a temporary Special Use Permit for Smith Auto Carried

**Communications** – The Town Clerk presented the following correspondence:

A letter was received from Charter Communications notifying the town of programming changes that took effect February 1, 2017.

A letter from Akron Little League Football Inc. thanking the town for its help last season and requesting use of the Veteran's Park facilities for its 2017 season beginning July 31<sup>st</sup> and ending October 28<sup>th</sup>.

A request for a beer/wine permit by Jennifer Gaik for a graduation party at Veteran's Park on July 8<sup>th</sup>.

A request for a liquor license at 12089 Clarence Center Rd for Rizzo's at Rothland Inc. for 2017.

A letter from Erie County Dept. of Environment & Planning notifying the town that Lewis Tandy's term on the Erie County Environmental Management Council will expire on May 31, 2017 and requesting the Board to either reappoint Mr. Tandy or make a new appointment prior to that date.

A letter from the Association of Towns notifying New York municipalities of a requirement in the Governor's Budget that would tie AIM funding contingent upon the Legislature's approval of new County developed, voter-approved efficiency plans. This means that if the legislature does not pass the budget with the new "Countywide Shared Services Property Tax Savings Plans", New York towns, villages and cities will not receive AIM funding at all.

The 2017 Conservation Tree & Shrub Seedling Program brochures have been received and are out at the Clerk's office for the public to take.

The January 2017 Operations Report was received from Amherst Central Fire Alarm office reporting 45 calls for Akron Fire co and 22 calls for Newstead Fire Co.

A letter from Erie County Department of Health notifying the town that the Cedar St North project has received approval.

A notice from ECIDA of a public hearing on an expansion project for Akron Rule Corp for a 25,000 sq ft addition project, which will be held at the Akron Village Hall on February 21, 2017 at 9:00am.

Notice of a seminar on the Regional Zombie Properties Foreclosure Initiative, which will be held February 23, 2017 from 9am-12pm at the Conference & Event Center in Niagara Falls.

A motion was made by Councilman Jendrowski, seconded by Councilman Burke to accept and file the presented correspondence. Carried

**Work Session:** The Supervisor reported that at the last work session held the following items were discussed: buildings- Senior Center roof emergency repair; water & sewer updates; planning items- Cedar St windmill status, special permit for 11372 Main Rd, Radon Law, S Newstead Rd site plan, Solar Law; grant items- trailway, Parks, CDBG- senior equipment & master plan; CEO position & Councilman position and any other matters brought before the Board.

**Agenda Items Question Period:** no one spoke

**Budget transfers:** none

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1688 for 2016 and 1689 with transfer for postage for 2017 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1694 for payment. Vouchers on this abstract(s) numbered from 61- 144, totaling \$153,491.55. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1694:

General Fund (A) -\$85,510.28, General Fund- Outside Village (B) \$126.52, Highway (DA) -\$0, Highway: Outside Village (DB) \$34,621.22, CAP- Murder Creek- (HM) \$306.67, CAP-Sewer Dist 3(HNL) \$0, CAP- Trail Grant (HTG)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water- Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$5,700.00, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$25,172.61, Sewer #1 Fund (SS) \$1,290.75, Sewer District #2 (SS02)- \$759.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$4.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 ; Total: \$153,491.55 Carried

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike reported they put a starter in the excavator and serviced/put a new power steering hose on #7, checked 2 driveway pipes for new builds, checked for limbs and road ditch flooding, cut a tree in Veteran’s Park and trimmed trees on town roads. Mike attended the 1<sup>st</sup> annual Local County/Town Highway Association Networking meeting. The purpose of this is to provide an interactive forum to discuss the broad range of resources NYSOTSOH can provide. He also met with the Highway Committee last Friday and the crews have been out to plow & salt multiple times.

**Assessor** – no report presented.

**Building Office** –the following building report was presented by Christine Falkowski of the Planning & Building Department:

CMK Builders of Alden	4939 South Newstead	One Family Home
Ride for Roswell	Akron-Newstead	Special event
James Marfurt	4870 N Millgrove	Temporary Special Use Permit
W.A. Peronne	6500 Draper	Temporary Special Use Permit
Eric Pirson	11732 Rapids	Permit renewal
Perry’s Ice Cream	1 Ice Cream Plaza	Siding
Dealer’s Choice	12474 Main	Temporary Special Use Permit
Lewistraum Kennels	12472 Stage	Temporary Special Use Permit
Jeffrey Ferrigno	7189 Downey	Driveway
Muddy Paws Farm LLC	11570 Clarence Center	Temporary Special Use Permit
CMK Builders of Alden	11830 Sheila Lane	One Family Home
Charles Kelkenberg	5725 Davison	Pole barn on existing pad
Chris Ginestre	4564 S Ayers	Roof

The Town Board accepted the report as presented. Councilman Burke questioned only 61% of the fire inspections being done and is that normal or due to our situation with the CEO position.

**Town Clerk-** County/Town tax bills are in, processed and have been mailed.

**Attorney for the Town** – nothing at this time

**COUNCILPERSONS:**

**Jendrowski-** he attended the library board meeting and reported the social services representative will be at the library every other Friday again. He also spoke with Kristine about the cracks in the wall and she is going to look for a grant to cover the cost or repairs. He attended meetings on the CEO position, met with the Assessor on the ADESA settlement and met with Christine and Mike on building issues.

**Dugan** – he spoke with a Stage Rd resident on ditching concerns and put them in contact with the County Highway Dept. as that segment is a County Rd. He also spoke to residents regarding concerns with plowing of roads.

**Burke** – he met with each of the clerical staff and everything seems copasetic with the staff. He met with the Highway Supt. on highway issues and the identification of town vehicles, he attended the Recreation Board meeting and it appears that the Akron Central School facilities will be available for the summer program. Attendance of the program is very good.

**Supervisor-** the January Supervisor’s Report is on file with the Town Clerk. He attended the Association of Erie County Governments meeting, spoke with the grant writers, met with County Line Stone representatives on the trailways grant and their expansion into Genesee County, met with the CEO committee, met with the building department staff, attended the FEMA training in Cheektowaga along with Colleen, Tammy Kelly and Dan Kowalik.

**UNFINISHED BUSINESS:**

**Buildings-** Senior Center roof is in progress and the library wall being monitored.

**Planning-** Solar Law is ongoing

**Water/Sewer-** Cedar St regulations have been cleared and they are ready to proceed once weather breaks. They are working on Lewis Rd sewer and addressing issues with the DEC.

**Grants-** the senior center equipment is to be installed this week. The trailways grant activities will become more active beginning this summer.

**NEW BUSINESS:**

**Approval- Award Bid- Comprehensive Master Plan Update:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the award of bid and proposed contract to Wendel for services to update the town’s Joint Comprehensive Master Plan with the Village of Akron, subject to the terms set forth in the resolution and authorizing the Supervisor to execute all agreements.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Approval- Contract with Erie County for Master Plan Grant Funding:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed contract with Erie County for grant funding for an update to the Comprehensive Master Plan, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Approval- Wind Turbine- Cedar St:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed project for a wind turbine at 8228 Cedar St, subject to several terms and stipulations set forth in the attached resolution.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Public Hearing- 5-lot Major Subdivision:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed 5-lot subdivision located at South Newstead Rd and owned by CMK Builders of Alden, with the hearing to be held on February 27, 2017 at 7:50pm at the Town Hall and authorizing the Town Clerk to advertise the hearing.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Approval- Town Park Use- Akron Little League Football:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the use of Veteran’s Park for the 2017 Akron Little League Football season from July 31<sup>st</sup>- October 28<sup>th</sup>.

Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Approval- Beer/Wine Permit Request:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request for a beer/wine permit at Veteran’s Park on July 8th by Jennifer Gaik for a graduation party.

Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Approval- Liquor License Application:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the request for a liquor license at Rizzo’s at Rothland at 12089 Clarence Center Rd for the 2017 season.

Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Re-appointment- Lewis Tandy to ECEMC:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the reappointment of Lewis Tandy to another 2 year term on the Erie County Environmental Management Council.

Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Appointment for AOT Meeting:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the appointment of Nathan Neill as the town’s representative and delegate at the annual Association of Towns meeting on New York City On Wednesday, February 22<sup>nd</sup>.

Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Approval- Advertisement for CEO position:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the advertisement for the vacancy of the full time shared Town/Village Code Enforcement Officer position with applications to be due no later than March 3, 2017.

Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Approval- Wind Turbine- Cedar St:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the temporary Special Use Permit for Smith Auto subject to revocation if the required landscaping is not completed by May 1, 2017 and subject to the terms and stipulations set forth in the resolution.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye Carried

**Privilege of the Floor/Question Period:** no one spoke

The Supervisor reminded everyone there is no work session on February 20<sup>th</sup> due to the Presidents Day holiday.

A moment of silence was held for the passing of Jim Gerber, who dedicated 50 years as Director of the Akron Community Band.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilman Dugan to adjourn the regular meeting at 8:45pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorczak, RMC, Town Clerk